

## DECLARATION AND POWER OF ATTORNEY

ATTORNEY DOCKET NO. 7159

Serial No. 10/612.297, Filed July 1, 2003

NOV 24 2003

As a below named joint inventor, each of us hereby declares as follows:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am an original, first, and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **FLUORESCENT DYES, ENERGY TRANSFER COUPLES AND METHODS** the specification of which ( ) is filed herewith (X) was filed on July 1, 2003 as United States Application Serial No. 10/612,297 and was amended by N/A. I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I hereby claim the benefit under Title 35, United States Code Section 119(e) of any United States provisional application(s) listed below:

APPLICATION SERIAL NO.	FILING DATE
60/93,338	July 1, 2002
60/422,621	October 30, 2002

I acknowledge the duty to disclose information of which I am aware that is material to the patentability of this application in accordance with 37 CFR §1.56(a), including material information which became available between the filing date of said provisional application(s) and the filing date of this application, insofar as the subject matter of the claims is not disclosed in said provisional application(s) in the manner provided by 35 USC §112, first paragraph.

That, as to the subject matter of this application which is common to said provisional application(s), I do not know and do not believe: that this invention was ever known or used in the United States of America before our invention thereof; that this invention was patented or described in any printed publication in any country before our invention thereof or more than one year prior to said application; that this invention was in public use or on sale in the United States of America more than one year prior to said application; that this invention has been patented or made the subject of an inventor's certificate issued before the date of said application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to said application; nor that any application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to said application by me or my legal representatives or assigns, except as follows: **NONE**.

That, as to any subject matter of this application which is not common to said provisional application(s), I do not know and do not believe: that this invention was ever known or used in the United States of America before our invention thereof; that this invention was patented or described in any printed publication in any country before our invention thereof or more than one year prior to this application; that this invention was in public use or on sale in the United States of America more than one year prior to this application; that this invention has been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application; nor that any application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as follows: **NONE**.

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith:

David A. Lowin, Registration No. 29,326

Direct all telephone calls to: David A. Lowin at 650-851-0980.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

NAME OF INVENTOR:	Roger O'NEILL		
Residence:	San Carlos, CA 94070	Citizenship:	US
Mailing Address: 3180 Melendy Drive, San Carlos, CA 94070			
Signature:	Date:		

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

NAME OF INVENTOR:	Peter V. FISHER		
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Signature:	Date:		